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EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,899

Applicant(s)

O'ROURKE, KEVIN

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

AT

DETAILED ACTION

1. This communication is responsive to an amendment filed 9/14/04.
2. Claims 1-24 are pending in this application. Claims 1, 10, 13, 18 and 19 are independent claims.

Applicant's arguments, see line 24 of page 29 through line 1 of page 30, lines 13-15 of page 20, lines 1-3 of page 38 and lines 2-3 of page 37, filed 7/7/05, with respect to the rejection(s) of claim(s) 3, 7, 12 and 22 under Evans in view of de la Huerga et al. as applied to claim 3, Evans as applied to claim 7, Evans in view of de la Huerga et al. and further in view of in view of Myers et al. as applied to claim 12, and Evans in view of Myers as applied to claim 22 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references: Blewett et al., which teaches parsing to extract relevant information; Microsoft Excel Help, which teaches retaining visibility of row and column labels during scrolling; and, Screen Dumps of Internet Explorer, which teaches making pages available for offline viewing.

Furthermore, in accordance with MPEP 2144.03 (section C), if applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the official notice is taken to be admitted prior art as of the next Office action. Therefore, although in applicant arguments of 9/14/04, applicant did not timely traverse the examiner's assertion of official notices, the examiner is including documentary

evidence to support the teachings that the official notices of claims 15, 23 and 24 are indeed well-known in the art in the present Office action.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said image icon" in line 5 of page 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "storage of said particular patient record information in said portable processing device". By "storage of said particular patient record information in said portable processing device", it seems applicant meant, and which examiner will interpret to mean, storing data in a storage device such as a hard drive or RAM of the portable processing device.

Claim Rejections - 35 USC § 102

6. Claims 1-2, 5, 9, 13-14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans.

As per claim 1, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information (Abstract) comprising the activities of:

receiving user identification information for use in authorizing user operation of the portable processing device (col. 15, lines 21-32);

initiating display of an image including a plurality of links to a corresponding plurality of individual patients (col. 5, lines 56-66);

acquiring data representing a patient record content index, the content index representative acquired data being dynamically derived, by processing information comprising an existing particular patient record, in response to a user command from the portable processing device to access the particular patient record (fig. 8; col. 7, lines 28-34);

initiating display of a patient record content index image including a plurality of links to a corresponding plurality of items of patient record information image using the acquired data in response to user selection of a link to one of the plurality of individual patients (Abstract; figs. 5-8 and 19-22; col. 9, lines 7-14; col. 13, lines 20-30;); and

initiating display of an image including information comprising a portion of a patient record in response to user selection of a link to one of the plurality of items of patient record information (Abstract; figs. 5-8, 12 and 19-22; col. 2, lines 34-38; col. 7, lines 28-34; col. 9, lines 7-14; col. 13, lines 20-30; *e.g. a healthcare provider located in Boston may access the EMR system to retrieve a patient record residing on a server*

located in San Diego via a browser such as Microsoft Internet Explorer or Netscape Navigator).

As per claim 2, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information wherein the processing of the information comprising the existing particular patient record is performed by one of, (a) an application located in a remote device and (b) an application in the portable processing device (Abstract; col. 2, lines 34-38; col. 4, line 64 through col. 5, line 8; col. 7, lines 28-34; col. 13, lines 20-30).

As per claim 5, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of initiating display of an image including a plurality of links to a corresponding plurality of lists of patients, and wherein the step of initiating display of an image including a plurality of links to a corresponding plurality of individual patients is performed in response to user selection one of the plurality of links to a corresponding plurality of lists of patients (figs. 5-8 and 19-22; col. 5, line 56 through col. 6, line 54).

As per claim 9, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of maintaining a column element stationary upon vertically scrolling an image screen display including other elements of the column (fig. 20; *depicted are vertical scroll bars having scroll arrows and sliding scroll box wherein scroll arrows inherently maintains a column element stationary upon vertically scrolling an image screen display including other elements of the column for moving line by line*).

As per claims 13 and 14, Evans teaches a method for use by a portable processing device for accessing and navigating patient record information (Abstract) comprising the activities of receiving user identification information for use in authorizing user operation of the portable processing device (col. 15, lines 22-32), initiating display of a patient record content index image using data derived, by dynamically processing information comprising an existing patient record, in response to a user command from said portable processing device to access the particular patient record, the content index image including a plurality of links to a corresponding plurality of items of patient record information (figs. 5-8, 12 and 19-22; col. 2, lines 34-38; col. 5, lines 56-66; col. 7, lines 28-34; col. 9, lines 7-14; col. 13, lines 20-30), initiating display of an image including a recorded patient medical parameter value and an associated medical parameter label comprising an item of patient record information in response to user selection of a link to one of the plurality of items of patient record information in the content index image (fig. 7; col. 7, lines 52-64; *parameter value under "WITHIN RANGE" column and an associated medical parameter label of the type "blood test result" are displayed upon selection of button(s) 159/187 within content index image window(s) 150/180*) and initiating display of at least one of (a) a reference range for the medical parameter (fig. 7) and (b) a unit of measure for the medical parameter (fig. 7; *"UNITS" in MG/DL*) in response to user selection of the medical parameter label (fig. 7; col. 7, lines 6-19; *user select medical parameter label such as "blood test results"*) and wherein the reference range comprises a normal value range for the medical parameter

(fig. 7; col. 8, lines 5-8; col. 11, lines 19-22; *"REFERENCE" normal range such as "70-" for "GLUCOSE"*).

As per claim 16, Evans teaches a method for use by a portable processing device for accessing and navigating patient record information (Abstract) including the activity of initiating display of an image including a plurality of links to a corresponding plurality of individual patients (col. 5, lines 56-66), initiating display of a patient record content index image including a plurality of links to a corresponding plurality of items of patient record information in response to user selection of a link to one of the plurality of individual patients (figs. 5-8 and 19-22; col. 9, lines 7-14).

Claim 18 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as anticipated by Evans or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans in view Microsoft Excel Help ("MS Excel").

As per claim 7, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information comprising a row element and the activity of horizontally scrolling an image screen display including other elements of the row and maintaining a row element stationary upon horizontally scrolling an image screen display including other elements of the row (fig. 20; *under "Procedures", up, down, right and left scroll arrows within the scroll bars are depicted for scrolling the "Code | Description" columns and the rows and wherein a row element such as ">" remains stationary upon horizontally scrolling*).

In the alternative, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information comprising a row element and the activity of horizontally scrolling an image screen display including other elements of the row (fig. 20; *under "Procedures", up, down, right and left scroll arrows within the scroll bars are depicted for scrolling the "Code | Description" columns and the rows*). Evans does not explicitly disclose maintaining a row element stationary upon horizontally scrolling an image screen display including other elements of the row. MS Excel teaches maintaining a row element stationary upon horizontally scrolling an image screen display including other elements of the row (page 1). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Excel's teaching of maintaining a row element

stationary upon horizontally scrolling an image screen display including other elements of the row and to Evans' teaching of a row element and the activity of horizontally scrolling an image screen display including other elements of the row in order to keep row and column labels visible as users scroll.

As per claim 8, Evans/the modified Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information wherein the stationary row element is the first data element of the row (MS Excel: pages 1-2; *while horizontally scrolling via clicking the arrow 220 in the scroll bar, row element 210 remains stationary wherein the stationary row element is the first data element of the row*).

8. Claims 3-4, 10, 11, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Blewett et al. ("Blewett").

As per claim 3, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information wherein the processing of the information comprising the existing particular patient record includes the activity of deriving content index information from patient record information (col. 15, lines 22-32), Evans does not explicitly disclose parsing the information to identify information sections. Blewett teaches a method for providing a user interface for use by a processing device for accessing and navigating information including the step of parsing the information to identify information sections (Abstract; *i.e. parsing to extract relevant information*). Therefore, it would have been obvious to an artisan at the time of the invention to include Blewett's parsing the information to identify

information sections to Evans' deriving content index information from patient record information in order to provide users with an implementation preference of breaking data into smaller chunks so that an application can act on the information, especially given that parsing is the only way to extract data from a file or data stream.

As per claim 4, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information wherein the ancillary data comprises at least one of, (a) header data of the acquired patient record information, (b) descriptive data in a data field of the acquired patient record information, and (d) text data derived by parsing content of the acquired patient record information (Blewett: Abstract; Evans: col. 15, lines 22-32).

Claim 10 is similar in scope to claim 3 and is therefore rejected under similar rationale.

As per claim 11, the modified Evans teaches a user interface method for use by a portable processing device for accessing and navigating patient record information wherein the user command from the portable processing device to access the particular patient record comprises user selection of a link to a particular patient (Evans: Abstract; col. 2, lines 34-38; col. 9, lines 9-14; col. 13, lines 20-30; col. 15, lines 22-32).

Claim 19 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 4 and is therefore rejected under similar rationale.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Myers et al. ("Myers").

As per claim 6, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and an image icon for display in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and (d) initiating display of medical record information for a next patient (figs. 5-8, 12 and 19-22; col. 5, line 56 through col. 6, line 54; col. 2, lines 34-38; col. 7, lines 28-34; col. 13, lines 20-30; *user selection in an icon-based interface of an image icon such as a patient name in a plurality of images, which includes initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information*), Evans does not explicitly disclose the initiating display of the patient record content index image to include a plurality of image icons in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record

information for a next patient. Myers teaches a method for providing a user interface for use by a processing device for accessing and navigating patient record information including the activity of initiating display of the patient record content index image to include a plurality of image icons in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record information for a next patient (figs. 2(a-b), *elements 32 as well as 31 and 34-41 and respective portions of the specification*). Therefore, it would have been obvious to an artisan at the time of the invention to include Myers' teaching of initiating display of the patient record content index image to include a plurality of image icons in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record information for a next patient to Evans' teaching of initiating display of the patient record content index image to include a plurality of image icons in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record information for a next patient so that users may select another patient record from any window and save browsing time.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of de la Huerga et al. ("Huerga") or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans in view of de la Huerga et al. ("Huerga") as applied to claim 10, and further in view of in view of Screen Dumps of Internet Explorer ("IE").

As per claim 12, the modified Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of acquiring data representing the portion of the patient record in response to user selection of the link including offline access to the information wherein the offline access to the information is inherent given that 102 can communicate externally to obtain patient data wherein 102 includes a cache for temporarily storing the patient data and a storage 208 for long term storage, thereby, allowing users to work offline (Evans: col. 9, lines 10-18; col. 5, lines 3-4).

In the alternative, although the modified Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of acquiring data representing an item of the patient medical record information in response to user selection of a link of the plurality of links (Evans: Abstract; figs. 5 and 8; col. 2, lines 34-38; col. 7, lines 28-34; col. 9, lines 9-14; col. 13, lines 20-30; col. 15, lines 22-32) wherein the item of the patient medical record information is available for access on the portable processing device (Evans: Abstract; col. 12, lines 61-63) and initiating display of an image including information comprising an item of patient medical information in response to user selection of a link to one of the plurality of items of patient medical record information

(Evans: figs. 5-8, 12 and 19-22; col. 5, line 56 through col. 6, line 54; col. 2, lines 34-38; col. 13, lines 20-30), the modified Evans does not explicitly disclose users accessing information offline. IE teaches a method for providing a user interface for use by a processing device for accessing and navigating information including the activity of offline access to the information (pages 1-7). Therefore, it would have been obvious to include IE's teaching of an offline access to the patient medical record information to the modified Evans' teaching of online access to the patient medical record information in order to provide users with a backup system such is the case when users do not have a network or Internet connection.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Bessette, and further in view of Internet Explorer ("IE").

As per claim 15, although Evans teaches a method for use by a portable processing device for accessing and navigating patient record information comprising a medical parameter label, URL links to patient record information (fig. 12; col. 8, lines 5-8; col. 11, lines 19-22; col. 9, lines 7-14; col. 2, lines 34-38; col. 13, lines 20-30) and display of at least one of (a) a reference range for the medical parameter and (b) a unit of measure for the medical parameter in response to user selection of the medical parameter label and wherein the reference range comprises a normal value range for the medical parameter (col. 8, lines 5-8; col. 11, lines 19-22), Evans does not explicitly disclose a medical parameter label being a URL link. Bessette teaches a method for use by a processing device for accessing and navigating patient record information comprising a medical parameter label being a URL link (col. 12, lines 18-66). Therefore,

it would have been obvious to an artisan at the time of the invention to include Bessette's medical parameter label being a URL link to Evans' medical parameter label and URL links to patient record information so that remote users may access medical information such as medical parameter labels, using a web browser.

The combined teaching of Evans and Bessette still does not explicitly disclose the URL link to be stored in the portable processing device. IE teaches storing URL links on a portable processing device via the ubiquitous use of bookmarking favorite links on a laptop (pages 1-4). Therefore, it would have been obvious to an artisan at the time of the invention to include IE's teaching of a URL link to be stored in the portable processing device to Evans and Bessette's teachings of the usage of URL links on a portable processing device so that users may quickly revisit a link.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of de la Huerga et al. ("Huerga").

As per claim 17, although Evans teaches a method for use by a portable processing device for accessing and navigating patient record information wherein the processing of the information comprising the existing patient record includes the activity of initiating generation of the patient record content index image by deriving content information from patient record information (fig. 8; col. 7, lines 28-34; col. 15, lines 22-32), Evans does not explicitly disclose including the step of initiating generation of the patient record content index image by deriving content information from ancillary data associated with acquired patient record information. Huerga teaches a method for providing a user interface for use by a processing device for accessing and navigating

patient record information including the step of initiating generation of the patient record content index image by deriving content information from ancillary data associated with acquired patient record information (col. 17, lines 13-15). Therefore, it would have been obvious to an artisan at the time of the invention to include Huerga's deriving content index information from patient record information by deriving content information from ancillary data associated with acquired patient record information to Evans' deriving content index information from patient record information in order to provide users with an implementation preference.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of de la Huerga et al. ("Huerga") as applied to claim 19, and further in view of Bessette.

As per claim 20, although the modified Evans teaches a processing system supporting remote operation of a plurality of portable processing devices used for accessing and navigating patient record information wherein the communicated patient record information includes a medical parameter and including the activity of communicating to the portable processing device at least one of, (a) reference range for a medical parameter and (b) a unit of measure for the medical parameter (Evans: col. 8, lines 5-8; col. 11, lines 19-22) and URL links to patient record information (Evans: fig. 12; col. 8, lines 5-8; col. 11, lines 19-22; col. 9, lines 7-14; col. 2, lines 34-38; col. 13, lines 20-30), Evans does not explicitly disclose a medical parameter label being a URL link. Bessette teaches a method for use by a processing device for accessing and navigating patient record information comprising a medical parameter label being a URL

link (col. 12, lines 18-66). Therefore, it would have been obvious to an artisan at the time of the invention to include Bessette's medical parameter label being a URL link to Evans' medical parameter label and URL links to patient record information so that remote users may access medical information such as medical parameter labels, using a web browser.

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as anticipated by Evans or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans in view of Internet Explorer ("IE").

As per claim 22, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of acquiring data representing the portion of the patient record in response to user selection of the link including offline access to the information wherein the offline access to the information is inherent given that 102 can communicate externally to obtain patient data wherein 102 includes a cache for temporarily storing the

patient data and a storage 208 for long term storage, thereby, allowing users to work offline (col. 9, lines 10-18; col. 5, lines 3-4).

In the alternative, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of acquiring data representing the portion of the patient record in response to user selection of the link including offline access to the information (col. 9, lines 10-18; col. 5, lines 3-4; *102 can communicate externally to obtain patient data wherein 102 includes a cache for temporarily storing the patient data and a storage 208 for long term storage, thereby, allowing users to work offline*), Evans does not explicitly disclose users accessing information offline. IE teaches a method for providing a user interface for use by a processing device for accessing and navigating information including the activity of offline access to the information (pages 1-7).

Therefore, it would have been obvious to include IE's teaching of an offline access to the patient medical record information to the modified Evans' teaching of online access to the patient medical record information in order to provide users with a backup system such is the case when users do not have a network or Internet connection.

As per claim 23, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information comprising the activity of processing information of an existing particular patient record is performed in response to download of particular patient record information to a processing device and storage of the particular patient record information in memory in the processing device wherein the processing device is inherently portable given that

Evans invention is based on "portable computer with wireless connections to a computer network" (Abstract; fig. 8; col. 7, lines 28-34; col. 9, lines 10-18; col. 5, lines 3-4; *102 can communicate externally to obtain patient data wherein 102 includes a cache for temporarily storing the patient data and a storage 208 for long term storage*).

In the alternative, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information comprising the activity of processing information of an existing particular patient record and acquiring data representing the plurality of links to the corresponding plurality of items of patient record information in response to download of particular patient record information to the portable processing device and storing the information in the portable processing device (fig. 8; col. 7, lines 28-34; col. 9, lines 10-18; col. 5, lines 3-4; *information is transferred from a remote computer to the requesting computer by means of a LAN/WAN connection wherein storing such as in cache memory is inherent since users are able to view the information*), Evans does not explicitly disclose storing information in a portable processing device. IE teaches storing information in a portable processing device (pages 1-7). Therefore, it would have been obvious to include alternative storage for storing information in the portable processing device to Evans' teaching of storing information in the portable processing device in order to provide users with a backup system.

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, and further in view of Internet Explorer ("IE").

As per claim 24, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information comprising the activity of acquiring data representing the plurality of links to the corresponding plurality of items of patient record information (Abstract; figs. 5 and 8; col. 2, lines 34-38; col. 7, lines 28-34; col. 9, lines 9-14; col. 13, lines 20-30; col. 15, lines 22-32), Evans does not explicitly disclose the URL link to be stored in the portable processing device. IE teaches storing URL links on a portable processing device via the ubiquitous use of bookmarking favorite links on a laptop (pages 1-4). Therefore, it would have been obvious to an artisan at the time of the invention to include IE's teaching of a URL link to be stored in the portable processing device to Evans and Bessette's teachings of the usage of URL links on a portable processing device so that users may quickly revisit a link.

Response to Arguments

16. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection, except for the following:

Applicant argued the following:

(a) Evans does not show or suggest a patient record content index that is *dynamically* derived, by processing information comprising an existing particular patient record, in response to a user command from a portable processing device to access the particular patient record. Moreover, there is no 35 USC 112 enabling disclosure at all of

dynamic creation as well as links to patient record sections of an already created existing patient medical record.

(b) Evans neither discloses or suggests initiating display of an image including a plurality of links to a corresponding plurality of lists of patients, and wherein the step of initiating display of an image including a plurality of links to a corresponding plurality of individual patients is performed in response to user selection one of the plurality of links to a corresponding plurality of lists of patients.

(c) Evans with Myers neither disclose nor suggest initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and an image icon for display in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and (d) initiating display of medical record information for a next patient.

The examiner disagrees for the following reasons:

Per (a), by definition, dynamic describes some action or event that occurs when and as needed. Since Evans' teaching that a patient record content index such as a list of patients is derived when needed and , therefore, dynamic (fig. 3; col. 5, lines 60-63; *when users need the patient record content index, users activate select button 121 with subsequent information being similarly dynamically derived*), Evans does teach that a

patient record content index is dynamically derived. Furthermore, Evans teaches links to patient record sections of an already created existing patient medical record, e.g. a healthcare provider located in Boston may access the EMR system to retrieve a patient record residing on a server located in San Diego via a browser such as Microsoft Internet Explorer or Netscape Navigator (Abstract; figs. 5-8 and 19-22; col. 9, lines 7-14; col. 13, lines 20-26).

Per (b), it follows from examiner's rebuttal of argument (a) that Evans does teach initiating display of a patient list image (col. 5, lines 60-63; *display initiated upon selection of button 121*). Furthermore, through a link over the Web, a healthcare provider located in Boston may access the EMR system to retrieve a list of patients by selecting 121, similarly, through another link over the Web, a healthcare provider in a different location may access the EMR system to retrieve a list of patient also by selecting 121 (Abstract; figs. 5-8 and 19-22; col. 9, lines 7-14; col. 13, lines 20-26). Therefore, Evans also teaches that these plurality of links corresponds to a plurality of lists of patients.

Per (c), Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the activity of initiating display of the patient record content index image by selecting button 121 (col. 5, lines 60-63).

Evans further teaches a plurality of name links to a corresponding plurality of items of existing patient record information such as (col. 5, lines 60-63) including an image icon 121 for display in a plurality of images (*in addition to 121*,

fig. 3 displays other images such as "Edit" and "Add"), the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and (d) initiating display of medical record information for a next patient (figs. 5-8, 12 and 19-22; col. 5, line 56 through col. 6, line 54; col. 2, lines 34-38; col. 7, lines 28-34; col. 13, lines 20-30; (b) initiating display of the patient list image including a plurality of links to a corresponding plurality of individual patients, for accessing existing individual patient records).

Evans does not explicitly disclose the initiating display of the patient record content index image to include a plurality of image icons in a plurality of images, wherein the image icon supports at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record information for a next patient. The Office action clearly indicates that Myers teaches a method for providing a user interface for use by a processing device for accessing and navigating patient record information including the activity of initiating display of the patient record content index image to include a plurality of image icons 31-41 in a plurality of images fig. 2a and fig. 2b (figs. 2(a-b); icons 31-41 are displayed in image fig. 2a

and image fig. 2b), the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of medical record information for a next patient (figs. 2(a-b), and respective portions of the specification; (a) initiating of the image in fig. 2a includes links to a plurality of lists of patients in window 26 by selecting button 32).

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
September 30, 2005

Kristine Kincaid
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